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January 2, 2013

VIA ECF & FIRST CLASS MAIL

Hon. Kiyo A. Matsumoto
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Gluck v. Craner, Satkin, Scheer & Schwartz, P.C., 12-cv-4603;

Dear Judge Matsumoto:

We represent Craner, Satkin, Scheer & Schwartz, P.C. (“Defendant”) in connection with the referenced action. As per Your Honor’s individual practices, we are writing to request a pre-motion conference for the purpose of moving to dismiss the complaint filed in the United States District Court for the Eastern District of New York by plaintiff Judy Gluck (“Plaintiff”) pursuant to F.R.C.P. Rule 12(b)(3) for improper venue. We have set forth below the basis for our motion and a proposed briefing schedule.

Although Plaintiff has filed the complaint in the Eastern District, this is not the proper venue for this action as Plaintiff resides in the Southern District of New York. In addition, neither party transacts business in the Eastern District and the events giving rise to the claim occurred in New Jersey. In fact, there is no connection to the Eastern District at all. Accordingly, Plaintiff has no basis upon which to bring these claims in the Eastern District and dismissal is proper. Indeed, Your Honor has granted at least one motion on this basis in the past. See New Son Yeng Produce, LLC v. A&S Produce, Inc., No. 07-cv-4282, 2009 U.S. Dist. LEXIS 73564, at *7 - 9 (E.D.N.Y. Aug. 19, 2009) (granting 12(b)(3) motion to dismiss in part based on defendant’s residence in another district and because a “substantial part” of the events giving rise to the lawsuit occurred in same district). In connection with defendant’s motion to dismiss for improper venue, we propose the following motion schedule:

Motion to dismiss due January 31, 2013;
Opposition to Motion due February 22, 2013;
Reply to Motion due March 8, 2013.

Very truly yours,

/s/ Matthew Tracy

Matthew Tracy (MT-2503)

cc: Maxim Maximov, Esq.

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